IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
Income Tax Application (L) No.45 of 1996

The Commissioner of Income Tax. ... Applicant
v/s.
Sukhwantsingh Hazrasingh,
C/o. Kapadia Associates. ... Respondent

Mr.A.S. Rao for Applicant.

Mr.B.D.Damodar i/by Kanga & co. for respondent.

CORAM : H.L. GOKHALE &
J.P. DEVADHAR, JJ.

DATED : 5th December 2005

P.C. :

1. Heard Mr.Rao in support of this Application. Mr.Damodar appears for the respondent.

2. This is a case where the Tribunal has held that though the addition in the quantum of tax made by the department was valid, there was a case for a different bonafide view and the explanation offered by the assessee is bonafide. Therefore, the Tribunal has declined to impose any penalty. We do not think that any interference is called for or there is any occasion to refer any question of law concerning this penalty which is cancelled. Application is rejected.

(H.L. GOKHALE, J.)

(J.P. DEVADHAR, J.)